

United States District Court  
for the  
Southern District of New York  
Related Case Statement

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Full Caption of Later Filed Case:

Roger Ver

Plaintiff	Case Number
vs.	
Barry Silbert, Michael Moro, and Digital Currency Group,	
Defendant	

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

TOBIAS MOELLER-BERTRAM,  
individually, and on behalf of all others  
similarly situated,

Plaintiff	Case Number
vs.	1:23-cv-02027
GEMINI TRUST COMPANY, LLC, and DIGITAL CURRENCY GROUP, INC.,	
Defendant	

## Status of Earlier Filed Case:

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Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

The Complaint was filed in *Moeller-Bertram v. Gemini Trust Company, LLC, et al.*, on February 22, 2023 in New York Supreme Court. Defendant Digital Currency Group, Inc. removed the action to this Court on March 9, 2023. On April 7, 2023, Plaintiff moved to remand the action to state court. Judge Lewis J. Liman denied the motion to remand on May 15, 2023, holding that the Court had "related to" bankruptcy jurisdiction over the case pursuant to 28 U.S.C. §§ 1334 & 1452. On May 23, 2023, Defendant Digital Currency Group, Inc. moved to transfer the action to the District of Connecticut in light of a first-filed and already pending related action in that district after the Connecticut plaintiffs refused to transfer to this Court. The motion to transfer remains pending before Judge Liman; all other proceedings in the matter are stayed until the motion is resolved.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The third-party complaint that comprises this action, *GGC International Limited v. Roger Ver v. Barry Silbert, Michael Moro, and Digital Currency Group ("Ver Action")* arises from the same facts as those alleged in *Moeller-Bertram v. Gemini Trust Company, LLC, et al. ("Moeller-Bertram Action")*. Both actions center on non-party Genesis Global Capital, LLC's ("Genesis") borrowing and lending relationships with counter-parties, including Three Arrows Capital ("3AC"), and the impact of 3AC's collapse in June 2022 on Genesis's financial condition. Both actions allege that, in 2022, Genesis became insolvent as a result of the 3AC collapse and Digital Currency Group, Inc. ("DCG") allegedly assisted and conspired with Genesis in an effort to conceal its supposed insolvency.

There are some differences between the *Moeller-Bertram Action* and the *Ver Action*, namely: (1) the *Moeller-Bertram Action* names Gemini Trust Company, LLC in addition to DCG as a defendant, and the *Ver Action* names DCG, Barry Silbert, and Michael Moro as Third-party defendants; and (2) the *Moeller-Bertram Action* asserts violations of the Securities Act, while the *Ver Action* asserts common law fraud claims. Nevertheless, the shared factual background of the actions satisfies the factors relevant to relatedness: (1) the actions concern the same or substantially the same parties, property, transactions or events; (2) there is substantial factual overlap; and (3) absent a determination of relatedness there would be a duplication of effort and expense, delay, or undue burden on the Court.

Signature: /s/ Jonathan D. Polkes

Date: 2/28/2024

Firm: WEIL, GOTSHAL & MANGES LLP